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REMARKS

In light of the arguments presented in the Examiner's Answer dated July 28, 2006, Applicants have concurrently filed a Request for Continued Examination (RCE) so that the amendment to claim 1 may be entered. Applicants respectfully request reconsideration of claim 1 in light of this amendment.

Applicants have amended the limitation of "optical pickup unit" in claim 1 to make explicit what is inherent in that term. As set forth in Applicants' disclosure, the term "optical pickup unit" (OPU) refers to an optical unit that includes a laser source. For example, starting at page 10, line 8, Applicants described an OPU embodiment that included a laser source. Thus, Applicants have written support for their amendment to claim 1. Applicants note that the term "optical pickup unit" is widely used in the industry and also implies that there are photodetectors in the unit. For example, the Applicants respectfully refer the Examiner to the tutorial having the URL: <http://www.hardwaresecrets.com/article/179/1>. In particular, page 7 of that tutorial shows an exploded view of a conventional OPU, which includes the laser source and the photodiode array required to perform the "pickup" function of an optical pickup unit. The usage of this term varies in that some refer to an OPU may also be denoted as an "optical pickup" or "optical pickup assembly" rather than "optical pick up unit." For example, the cited Alon reference, USP 6,449,225 illustrates an optical pickup 10 in its Figure 1, 3a, 3b, and 3c. As is the case with all OPUs, Alon's optical pickups include a laser source (element 11) as well as a photodiode array (optical sensor 20). More generally, one may peruse the U.S. Patent Office website and see that hundreds of U.S. Patents use this well-known and understood term.

There is no motivation or suggestion in the prior art for the combination recited in claim 1:

The Alon reference indeed does have an "optical pick up unit" mounted on a rotary actuator arm (which may be denoted as an actuator assembly in the context of Applicants' claim 1). But as discussed in the Appeal Brief, that arm is rigid. Thus, to have a focusing mechanism, Alon uses a servo mechanism to move the objective lens in its OPU. In sharp contrast, the claimed actuator assembly includes "a portion pivotally mounted to the remainder of the actuator assembly" and "an optical pick up unit connected to the portion." The portion is "configured to position said first end [of the actuator assembly] along an arcuate path that is substantially perpendicular to the surface of the disk."

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The Lee reference adds nothing further to Alon because its OPU is not even discussed: it would include laser source 301 of Figure 10 but no further details are discussed in Lee because Lee was simply directed to an actuator mechanism for holding lens 1 at the proper "flying height" on disk 5. This type of optical disk drive is akin to a magnetic disk drive, wherein the head rides on a very thin air gap over the disk; hence the term "flying height." Thus, all that is pointed to in Lee is simply a means to actuate lens 1 of Figures 10 and 11 at the proper flying height. In that regard, Lee is cumulative to standard OPU practice, which always includes a focus actuation of the objective lens (see, e.g., the Alon reference as discussed above or the web page tutorial).

To summarize, neither Lee nor Alon provides any suggestion or motivation for "a portion pivotally mounted to the remainder of the actuator assembly" and "an optical pick up unit connected to the portion" wherein the portion is "configured to position said first end [of the actuator assembly] along an arcuate path that is substantially perpendicular to the surface of the disk."

### CONCLUSION

For the above reasons, pending Claim 1 is now in condition for allowance and allowance of the application is hereby solicited. If the Examiner has any questions or concerns, the Examiner is hereby requested to telephone Applicant's Attorney at (949) 752-7040.

Respectfully submitted,

  
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